

**Minutes
City Council/Redevelopment Agency/Public Financing Authority
City of Huntington Beach**

Monday, March 7, 2011
5:00 PM - Council Chambers
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

5:00 PM – Council Chambers

CALL TO ORDER - 5:01 PM

ROLL CALL

Present: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman

Absent: None

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION -
None.

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEM (3 Minute Time Limit) –
None.

RECESS TO CLOSED SESSION - 5:02 PM, by a consensus of Council.

CLOSED SESSION

1. Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Fred Wilson, City Manager; Paul Emery, Deputy City Manager; Bob Hall, Deputy City Manager; Michele Carr, Director of Human Resources; and Lori Ann Farrell, Director of Finance, regarding labor negotiations with all labor groups.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE AUTHORITY
MEETING - 6:03 PM.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

Present: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman

Absent: None

PLEDGE OF ALLEGIANCE - Led by Girl Scout Troop 702.

INVOCATION - Led by Dale Braithwaite, Church of Jesus Christ of Latter Day Saints.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

AWARDS AND PRESENTATIONS

ANNOUNCEMENT - WOMEN'S HISTORY MONTH. March is Women's History month. On behalf of the City Council, we join in this celebration as we recognize the struggles and achievements of women throughout our history. The recognition of federal heritage months is a program of the city's Human Relations Task Force. In honor of Women's History Month, you might consider reading this year's HB Reads selection entitled Barefoot Heart- Stories of a Migrant Child by Elva Trevino Hart. You may also hear Mrs. Hart tell her story in person on Thursday, March 24 at 7:00 pm at Huntington Beach High School. For more information, please visit HBReads.org.

ANNOUNCEMENT - SUNSHINE WEEK. This year, Sunshine Week is celebrated March 13 to 19. Sunshine Week is a national initiative to promote a dialogue about the importance of open government and freedom of information. Participants include news media, civic groups, libraries, nonprofits, schools and others interested in the public's right to know. Though created by journalists, Sunshine Week is about the public's right to know what its government is doing, and why. Sunshine Week seeks to enlighten and empower people to play an active role in their government at all levels, and to give them access to information that makes their lives better and their communities stronger.

PRESENTATION - Mayor Carchio called on Police Chief Ken Small to introduce the MADD Awardees for the year. Chief Small introduced Mary Beth Griffin, Executive Director of MADD, Orange County, who recognized the following Huntington Beach Police Officers, and their number of DUI arrests: Officer Wade Wilson, 35 DUI arrests; Officer Michael Dexter, 36 DUI arrests; Officer Corwin Bales, 36 DUI arrests; and, Officer Roman Altenbach, 38 DUI arrests.

PRESENTATION - Mayor Carchio called on Pam Alagata to introduce Miss Huntington Beach Hanna Smith and her Princesses Melissa Khoury, Paige Terry, Alexandra Hart, and Hayleigh Green.

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced that the following items were received by her office following distribution of the Council agenda packet:

PowerPoint communication for Consent Item No. 11 submitted by Ken Small, Chief of Police, dated March 7, 2011, and entitled *Ordinance 3912 Street Performers*.

Request for Council/Redevelopment Agency Action (RCA) on Consent Item No. 14 submitted by Stanley Smalewitz, Director of Economic Development/Deputy Executive Director and Lori Ann Farrell, Director of Finance, dated March 7, 2011, and entitled *Approve Transfer of Real Property and other Assets of the City of Huntington Beach Redevelopment Agency to the City of Huntington Beach*.

Request for Council/Redevelopment Agency Action (RCA) on Consent Item No. 15 submitted by Stanley Smalewitz, Director of Economic Development and Lori Ann Farrell, Director of Finance, dated March 7, 2011, and entitled *Approve the Establishment of a Housing Authority*.

PUBLIC COMMENTS (3 Minute Time Limit).

(The number (hh:mm:ss) following the speaker's comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>).

George Collins, a Santa Ana resident, spoke regarding upcoming insecticide spraying by the State of California in the Huntington Beach area, and the fact that Huntington Beach residents have the right to opt out of the spraying of their properties if they so desire. (00:15:15)

Stephanie Deagle spoke regarding the "Relay For Life" fundraiser that benefits the American Cancer Society which will be held at the Central Park beginning at 11:00 am on Saturday, May 21, and concludes on Sunday, May 22. (00:17:15)

Paula Knott, Student Assistant Intern Coordinator for Dr. Jim Gates of the Water Science Program at Santiago Canyon College, requested that the Council agendaize Santiago Canyon College's proposal for a Huntington Beach Water Sciences Student Internship Program. For further information contact Ms. Knott or Dr. Gates at sccinterns@yahoo.com. (00:20:00)

Jan Berger, a Santiago Canyon College Water Science student, spoke regarding the benefits of his current 2-month internship with the Costa Mesa Sanitation District. (00:21:29)

Richard Plummer, a spokesperson for Huntington Beach Neighbors (HBN), spoke in opposition to Consent Item No. 12 (Resolution No. 2011-16 establishing conditions of approval for eating and drinking establishments with alcoholic beverage sales and live entertainment). He rendered HBN's opinion that there were currently sufficient seats available in the downtown area where

people can eat and drink alcohol, and that HBN would prefer to see more retail businesses (versus restaurants) established in the downtown area. (00:22:32)

COUNCIL COMMITTEE - APPOINTMENTS - LIAISON REPORTS AND ALL AB 1234 DISCLOSURE REPORTING

Councilmember Boardman announced her appointment of Pat Goodman to the Finance Board.

Councilmember Bohr submitted a written report that will be made available in the City Clerk's Office.

CITY MANAGER'S REPORT

City Manager Wilson introduced newly appointed Huntington Beach City Treasurer Alisa Cutchen, who was administered the Oath of Office by City Clerk Joan L. Flynn.

CONSENT CALENDAR

2. Approved and adopted minutes.

A motion was made by Hansen, second Bohr to approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority Special Meeting of February 18, 2011, and the Regular Meeting of February 22, 2011, as written and on file in the Office of the City Clerk. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

3. Adopted Resolution No. 2011-14 finding and declaring weeds and rubbish on specific properties to be a public nuisance and fixing the City Council meeting of May 2, 2011 as the Administrative Public Hearing date for protests and objections to the abatement thereof.

A motion was made by Hansen, second Bohr to adopt Resolution No. 2011-14, "A Resolution of the City Council of the City of Huntington Beach Finding and Declaring that Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

4. Adopted Resolution No. 2011-15 authorizing staff to make application for a WaterSMART Grant and to commit the financial and legal obligations required for receipt of Grant Funds; and, if awarded, authorize the Director of Public Works to execute the grant agreement.

A motion was made by Hansen, second Bohr to adopt Resolution No. 2011-15, "A Resolution of the City Council of the City of Huntington Beach to Make Application for a WaterSMART Grant and to Commit to the Financial and Legal Obligations Required for Receipt of Grant Funds;" and, authorize the Director of Public Works to execute a grant agreement with the U.S. Department of the Interior if a grant is awarded. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

5. Approved and authorized execution of an agreement with the City of Westminster regarding street rehabilitation and reimbursement for Arterial Rehabilitation within Huntington Beach city limits; and, delegated authority to the City of Westminster to conduct the bid opening and award contract to the lowest responsible bidder.

A motion was made by Hansen, second Bohr to approve and authorize the City Manager and City Clerk to execute and witness the "Public Works Pavement Rehabilitation Cooperative Agreement" for the City of Huntington Beach to reimburse the City of Westminster for street improvements within the City of Huntington Beach public right-of-way; and, delegate to the City of Westminster the authority to let this public works project to the lowest responsive and responsible bidder in accordance with Huntington Beach Charter section 614. The Public Works Director shall be responsible for determining whether or not the City process has been complied with and may terminate the Agreement with the City of Westminster at his sole discretion. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

6. Approved and authorized execution of an Agreement Between the Municipal Water District of Orange County (MWDOC) and the City of Huntington Beach and its other member agencies on Budget, Activities, Charges and Other Issues.

Consent Item No. 6 was pulled for separate consideration by Mayor Carchio.

Kevin Hunt, General Manager of MWDOC, spoke in support of the Agreement.

A motion was made by Carchio, second Hansen to approve and authorize execution of an Agreement Between the Municipal Water District of Orange County (MWDOC) and the City of Huntington Beach and its other member agencies on Budget, Activities, Charges, and Other Issues The motion carried by the following roll call vote:

AYES: Dwyer, Bohr, Carchio, Hansen, Harper, Shaw, and Boardman
NOES: None

7. Approved and authorized execution of an Affordable Housing Agreement with Pacific Sun Apartments CIC, L.P. for the development of a six-unit multi-family complex located at 7911 Slater Avenue.

Consent Item No. 7 was pulled for separate consideration by Councilmember Dwyer.

Councilmember Dwyer and Economic Development Director Smalewitz discussed the future management responsibility for the six-unit multi-family complex located at 7911 Slater Avenue.

A motion was made by Dwyer, second Boardman to approve and authorize the Mayor and City Clerk to execute the "Affordable Housing Agreement" with Pacific Sun Apartments CIC, L.P., and, Authorize the City Manager, City Clerk and the Mayor to take any action and execute any and all documents and agreements necessary to implement the Agreement. The motion carried by the following roll call vote:

AYES: Dwyer, Bohr, Carchio, Hansen, Harper, Shaw, and Boardman
NOES: None

8. Approved project plans and specifications and awarded Construction Contract in the amount of \$385,914 to Environmental Construction, Inc. for the Water Well No. 10 Rehabilitation Project, CC-1380; and, authorized the Mayor and City Clerk to execute a contract in a form approved by the City Attorney

A motion was made by Hansen, second Bohr to approve the project plans and specifications for the Water Well No. 10 Rehabilitation Project, CC-1380; and, accept the lowest responsive and responsible bid submitted by Environmental Construction, Inc., in the amount of \$385,914; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

9. Approved selection of Active Network, Inc. to provide Municipal Marketing Consulting Services, and authorize execution of a Professional Services Contract.

A motion was made by Hansen, second Bohr to approve and authorize the Mayor and City Clerk to execute all documents necessary for the Professional Services Contract between the City of Huntington Beach and Active Network, Inc. for Municipal Marketing Consulting Services. The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

10. Adopted Ordinance No. 3909 approving Zoning Text Amendment No. 10-005; and, adopted Ordinance No. 3910 approving Municipal Code amendments regarding Kennels and Residential Animal Permits (Fourth Dog Ordinance) Approved for introduction February 22, 2011.

A motion was made by Hansen, second Bohr to adopt Ordinance No. 3909, "An Ordinance of the City of Huntington Beach Amending Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Definitions;" and, adopt Ordinance No. 3910, "An Ordinance of the City of Huntington Beach amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to Kennels." The motion carried by the following roll call vote:

AYES: Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: None

11. Adopted Ordinance No. 3912 adding Chapter 8.75 to the Huntington Beach Municipal code relating to Street Performers Approved for introduction February 22, 2011.

Consent Item No. 11 was pulled for separate consideration by City Manager Wilson.

Police Chief Small provided a PowerPoint presentation with four slides that indicated the areas where Street Performers are allowed on Pier Plaza, and on the 100, 200, and 300 blocks of Main Street. He also presented a brief video of typical late-night activity in the downtown area when Street Performers are present.

Councilmember Dwyer and Police Chief Small discussed allowing Street Performers on Fifth Street.

A motion was made by Dwyer, second Bohr to adopt Ordinance No. 3912, "An Ordinance of the City of Huntington Beach Adding Chapter 8.75 of the Huntington Beach Municipal Code Relating to Street Performers." The motion carried by the following roll call vote:

AYES: Shaw, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES: Harper

12. Adopted Resolution No. 2011-16 establishing conditions of approval for eating and drinking establishments with alcoholic beverage sales and live entertainment.

A motion was made by Hansen, second Bohr to adopt Resolution No. 2011- 16, "A Resolution of the City Council of the City of Huntington Beach Establishing Conditions of Approval for Eating and Drinking Establishments With Alcoholic Beverage Sales and Live Entertainment." The motion carried by the following roll call vote:

AYES: Harper, Hansen, Carchio, Bohr, and Dwyer
NOES: Shaw, and Boardman

14. Adopted Resolution Nos. 388 and 2011-17 approving the transfer of real property and other assets of the City of Huntington Beach Redevelopment Agency to the City of Huntington Beach.

Consent Item No. 14 was pulled for separate consideration by Councilmember Boardman.

15. Adopted Resolution No. 2011-18 approving the establishment of a Housing Authority to continue the City's Affordable Housing Program for the City's residents.

Consent Item No. 15 was pulled for separate consideration by Councilmember Boardman.

City Manager Wilson explained why Consent Item Nos. 14 and 15 were added to the agenda.

Deputy Economic Development Director Kellee Fritzal provided a PowerPoint presentation entitled *Redevelopment Actions*, with titled slides Legislation, Agency Debt, Agency Assets, and Housing Authority.

The Council discussed the potential effects on Huntington Beach of the decision by the State of California to abolish Redevelopment.

Mayor Carchio thanked City Manager Wilson for his timely response to the discussions by the State of California to abolish Redevelopment.

A motion was made by Hansen, second Bohr to adopt Resolution No. 388, "A Resolution of the City of Huntington Beach Redevelopment Agency, Approving Certain Actions Related to the Transfer of Real Property and Other Assets of the City of Huntington Beach Redevelopment Agency to the City of Huntington Beach to Meet Existing Obligations Set Forth in the Cooperation and Other Agreements With the Agency and to Accomplish other Important Public Purposes;" and, adopt Resolution No. 2011-17, "A Resolution of the City Council of the City of Huntington Beach, California, Approving Certain Actions Related to the Transfer of Real Property and Other Assets of the City of Huntington Beach Redevelopment Agency to the City of Huntington Beach To Meet Existing Obligations Set Forth in the Cooperation and Other Agreements With the Agency and to Accomplish Other Important Public Purposes;" and, authorize the City Manager/Executive Director and City Clerk/Agency Secretary to execute all related documents; and, adopt Resolution No. 2011-18, "A Resolution of the City of Huntington Beach, California, Establishing a Housing Authority in Accordance with the California Housing Authorities Law and Making Certain Determination and Findings Related Thereto;" and, authorize the City Manager and City Clerk to take all administrative actions necessary to allow the Housing Authority to conduct its business and exercise its powers. The motion carried by the following roll call vote:

AYES:	Shaw, Harper, Hansen, Carchio, Bohr, Dwyer, and Boardman
NOES:	None

PUBLIC HEARING

13. Withdrew Appeal of Conditional Use Permit No. 10-028 (Appeal of Planning Commission's Denial - Bomburger Restaurant Alcohol Sales).

Councilmember Bohr explained why he appealed the Planning Commission's decision.

Mr. Rob Sleenhof (Applicant) stated that he is withdrawing his conditional use permit application.

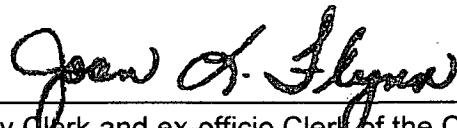
Conditional Use Permit No. 10-028 application withdrawn by Applicant; No Action Taken.

COUNCILMEMBER COMMENTS (Not Agendized).

Comments provided by Councilmembers Bohr, Dwyer, Boardman, Harper, Shaw, and Mayor Carchio.

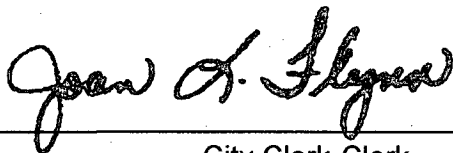
ADJOURNMENT

At 7:39 PM, Mayor Carchio adjourned the meeting to 5:00 PM on Monday, March 21, 2011, in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

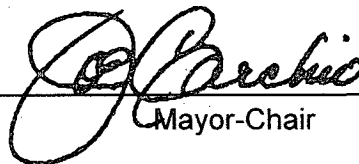


City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:



City Clerk-Clerk



Mayor-Chair